COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: March 3, 2004

OFFICE CORRESPONDENCE FILE:

FROM: MICHAEL G. SAVIDAN, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: JAMES R. LOPEZ, CAPTAIN
CENTURY STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS NON-HIT SHOOTING, JUNE 17, 2003, REVIEW #2090991**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on June 17, 2003.

The Committee met on February 26, 2004, and consisted of myself and Commanders Dennis Conte (Commander of the Department) and Lynda Castro (Commander of the Department). The Committee determined that the use of force by Deputy Julio Martinez #[redacted] was within Department policy. **Please advise the deputy of this finding.**

The Committee directed the Unit Commander commend Deputy Martinez for the tactics and communications he utilized during this incident.

JGJ:KRK:kk

Table of Contents
SH #2090991

DEPUTY INVOLVED SHOOTING FORM

INVESTIGATIVE SUMMARY

EXHIBITS

A - Incident Reports, Century Station File #003-10800-2116-055
B - Photographs
C - Suspect De La Cruz Criminal History

MISCELLANEOUS DOCUMENTS

- Force/Shooting Review Admonitions
- In-service
- Suspect De La Cruz booking information printout
- Criminalist report regarding condition and specifications of Deputy Martinez' weapon

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.? ☐	Hit? ☐
06/17/2003	FORII/Century		

Incident Information

URN: 003-10800-2116-055	Date: 06/17/2003 Time: 1447
City or Station: Century Station	Nature of Incident: Deputy Martinez attempted to detain a 417 suspect. The suspect removed the gun from his waistband and pointed it at the deputy who fired three rounds at the suspect, missing him.
Location: [redacted] Louise Street, Lynwood 90262	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence (circled), Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, Daylight (circled), Other, Street Lights

Weather (*circle only one*): Clear (circled), Cloudy, Fog, Rain

Distance: 55'

Incident Type (*circle one or more*): Accidental, Armed Person (circled), Fleeing Suspect (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other (circled), Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit? ☒	Canine Unit? ☒
3	0		

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted] M.I. [redacted]
Street Address [redacted] City [redacted]	Zip Code [redacted] Work Ph. [redacted] Home Ph. [redacted]
Last Name [redacted]	First Name [redacted] M.I. [redacted]
Street Address [redacted] City [redacted]	Zip Code [redacted] Work Ph. [redacted] Home Ph. [redacted]
Last Name [redacted]	First Name [redacted] M.I. [redacted]
Street Address [redacted] City [redacted]	Zip Code [redacted] Work Ph. [redacted] Home Ph. [redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Martindale	Robert		On Duty (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Bolanos	Joe	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Voyer	Katherine	

PSTD Use Only

SH # SH#2090991

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
06/17/2003	1715	10/31/2003	

Employee #	Last Name	First Name	M.I
[redacted]	Gregg	Larry	R
[redacted]	Hines	William	
[redacted]	Jennings	Rickey	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9m	Y	Y	NN	

SH-R-438A rev. 3/97

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 003-10800-2116-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Martinez	First Name: Julio	M.I.
Sex: M Race: H	Rank: DSG	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 212D
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5'07" Weight: 195			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 003-10800-2116-055

Suspect Information

S 1

Last Name: Gallardo	First Name: Sabino	M.I.: H
AKA Last Name: De La Cruz	First Name: Jesus	M.I.:

Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #:
Age: 20 D.O.B. 08/28/1982	Height: 5'10" Weight: 150	FBI # [redacted]	CII # [redacted]
Booking # 7734951	Primary Charge: 245 (A) (2) PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

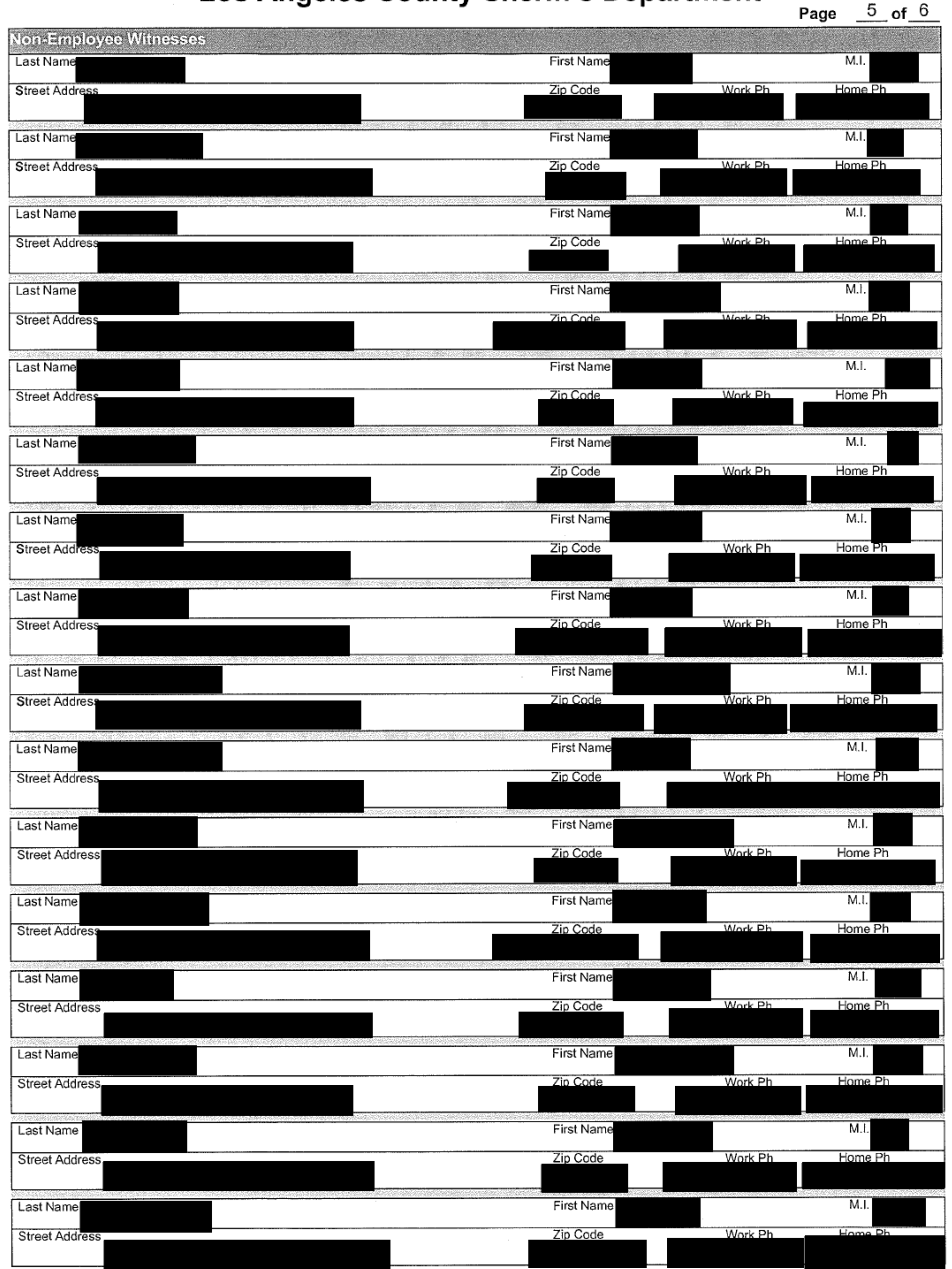
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

INVESTIGATIVE SUMMARY

TYPE INCIDENT: Deputy Involved Shooting (non-hit)
IAB FILE: SH #2090991
URN: 003-10800-2116-055

DATE / TIME / LOCATION

Thursday, June, 17, 2003
1437 hours
[redacted] Louise Street, Lynwood 90262

SYNOPSIS

On June 17, 2003, Deputy Julio Martinez was patrolling the area of Louise Street after he observed two suspicious persons. He spotted Suspect De La Cruz, not one of the two suspicious people, walking between two homes. When Suspect De La Cruz saw Deputy Martinez he became startled, dropped the bicycle he was walking and ducked between two minivans. As he did so, Deputy Martinez saw the outline of a gun in Suspect De La Cruz's waistband. Deputy Martinez watched as Suspect De La Cruz removed the gun from his waist band and eventually, as Deputy Martinez was moving to a safer position, pointed the gun at Deputy Martinez who fired three rounds at him. Suspect De La Cruz eventually ran from the area and was arrested at another location.

Internal Affairs Sergeants Larry Gregg and William Hines responded to the area and conducted a review. Lieutenant Rickey Jennings also responded.

INVOLVED PERSONNEL

Martinez, Julio, Deputy #[redacted] MH/28 HT 5'07" WT 195 [redacted]

Division: Field Operations Region II
Assignment: Century Station, Unit 212B
Date of Employment: 11/10/1998
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

SUSPECT

De La Cruz, Sabino MH/20 HT 5'10" WT 150 Left Handed

Criminal History:

Suspect De La Cruz had [redacted]

As a result of this arrest, Suspect De La Cruz was sentenced to State Prison on August 25, 2003, for the charge of 417 (c) PC.

WITNESSES

Civilians:

[redacted]

EVIDENCE:

The following items were recovered at the scene.

- (3) expended 9mm shell casings (one was recover from Deputy Ron Martinez, who had seen it fall From the belt area of Deputy Julio Martinez)
- Smith and Wesson 9mm, semi-automatic, serial #A[redacted]
- (1) expended round found in closet of garage at [redacted] Louise Street, Lynwood

IAB NOTE: The other two expended rounds were not located.**(Refer to Criminalist report, Exhibit A).**

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Martinez

Weapon:	Beretta 9mm, Serial # BER[redacted]
Rounds fired:	3

WEAPONS USED BY SUSPECT

Suspect De La Cruz

Weapon:	Smith and Wesson 9mm, serial #A[redacted]
Rounds fired:	[illegible]

INJURIES

Suspect De La Cruz was not injured during the shooting. Suspect De La Cruz injured himself while fleeing by falling several times from roofs and over fences. Photographs of him and his injuries are included in this case **(See Exhibit B)**.

CRIMINAL CASE INFORMATION

Court:	Compton Court
Charges filed:	417 (c) PC
Date sentenced:	August 25, 2003
Investigator:	Deputy Robert Westphal

LIGHTING AND WEATHER CONDITIONS

The incident occurred in the early afternoon. The weather was clear and warm.

EMPLOYEE STATEMENTS

Deputy Julio Martinez wrote a report detailing his actions **(See Exhibit A)**. He was interviewed on November 18, 2003, by IAB Sergeant Larry Gregg at Internal Affairs Bureau. Prior to the interview, Deputy Martinez was provided an opportunity to read and sign the Admonition for Force/Shooting. The interview was digitally recorded. Deputy Martinez' interview statement was consistent with his written report.

Deputy Martinez said he was in the area of Louise Street when he spotted a male Black adult who he thought was suspicious. The male ran from the area and Deputy Martinez attempted to parallel him in his radio car. He turned the corner and saw another male Black adult, who also ran. While searching for either of the two, Deputy Martinez turned onto Louise Street. As he proceeded driving down the street, he saw a person sitting on their front porch (Witness [redacted]. Deputy Martinez asked [redacted] if he had seen someone running down the street. [redacted] said that he had not.

Deputy Martinez continued to drive east on Louise where he spotted a youth standing in the front yard of [redacted] Deputy Martinez stopped and asked the youth (most likely Witness [redacted] if he had seen a male Black running. [redacted] pointed toward Long Beach Boulevard.

Deputy Martinez said as he talked to [redacted] he saw Suspect De La Cruz walking southbound in the driveway between [redacted] Louise Street and the next house east, walking a bicycle. Parked in the driveway were two minivans which Suspect De La Cruz was now walking between, from east to west. Suspect De La Cruz looked at Deputy Martinez with a startled expression.

Deputy Martinez said he moved his radio car further east on Louise Street to put himself in a better position to observe Suspect De La Cruz. He stopped his vehicle slightly east of the center portion of the driveway, in the street, facing east. He said he believed Suspect De La Cruz was involved in some type of criminal activity because of his reaction when he saw Deputy Martinez. When Deputy Martinez stopped his radio car and exited, he saw that Suspect De La Cruz had dropped the bike and was now crouched between the two minivans. Suspect De La Cruz stood up and Deputy Martinez noticed a bulge in his waistband, consistent with the outline of a gun.

Deputy Martinez said Suspect De La Cruz began to walk toward the rear of the driveway, walking along the west side of the vans and ignoring commands for him to stop and show his hands. As he continued to walk and facing away from Deputy Martinez, Suspect De La Cruz removed a blue steel handgun from his waistband. He then continued to walk away, turning in front of the furthest minivan. Deputy Martinez said throughout this time he was yelling at Suspect De La Cruz to stop and to show his hands. He said he speaks Spanish but did not do so when yelling for Suspect De La Cruz to stop and show his hands. He said he believes Suspect De La Cruz understood the orders because he looked over his shoulder when Deputy Martinez was telling him to stop. He said he also believed Suspect De La Cruz might be trying to see Deputy Martinez' position in preparation of shooting his weapon at him.

Deputy Martinez wrote that he was afraid that he was about to be shot. He backed up approximately two steps and moved east behind the first (south) minivan and requested assistance. He said he could not see Suspect De La Cruz and moved east to take cover behind the south wall of the residence, east of the driveway. As he moved into the open, toward the wall, Suspect De La Cruz moved out from in front of the minivan, now pointing his gun, with his left hand, bent at the elbow and across his body at Deputy Martinez while walking toward the rear yard. Fearing for his life, Deputy Martinez fired three rounds from his Beretta and continued to move to the cover of the residence wall. Suspect De La Cruz ran a few feet to a short, metal fence and climbed over. Suspect

De La Cruz continued to run away, northbound through the yards.

Deputy Martinez said he did not chase Suspect De La Cruz because he believed he was still armed. He said he decided to set up a containment from his radio car so he could cover Louise Street. He broadcast that he had just been involved in a shooting and began positioning units for a containment of the area. Suspect De La Cruz was eventually arrested and identified by Deputy Martinez.

Suspect De La Cruz' weapon was recovered from the rear yard of the house east of [redacted] Louise Street.

SUSPECT STATEMENT

Suspect Sabino De La Cruz was interviewed on June 17, 2003, by Century Detective Robert Westphal and IAB Sergeant Larry Gregg. Suspect De La Cruz did not speak English, therefore the interview was translated by Deputy [redacted] Prior to the interview, Suspect De La Cruz was read his Constitutional Rights. He agreed to speak with detectives without an attorney being present. The interview was digitally recorded.

Suspect De La Cruz said he had left his residence earlier that day and eventually borrowed a bicycle, riding it to another friend's [redacted] home to borrow money for food. From his description, this friend lived at [redacted] in the converted garage. His friend was not home and Suspect De La Cruz left the location, walking his bicycle southbound in the driveway toward Louise Street when he saw Deputy Martinez parked in front. He ducked between the two vans, the deputy saw him and he then heard gunshots. He said the shots did not come from the deputy, they were not aimed at him. The shots came from the next block.

IAB NOTE: The resident at [redacted] was interviewed. She said she does not know a [redacted] that lives in the converted garage.

Suspect De La Cruz admitted to having a gun. He said it was not operational because it was missing the magazine. He said he had taken the gun from his [redacted] garage the previous day. He was carrying the gun, hoping to buy a magazine. He said he had taken the gun to use for protection at his home because he had seen a prowler around his house and wanted to confront the prowler.

IAB NOTE: Suspect De La Cruz' [redacted] was contacted. She confirmed that the gun was taken from her [redacted] garage and did not have a magazine. She said the gun was taken without her [redacted] permission.

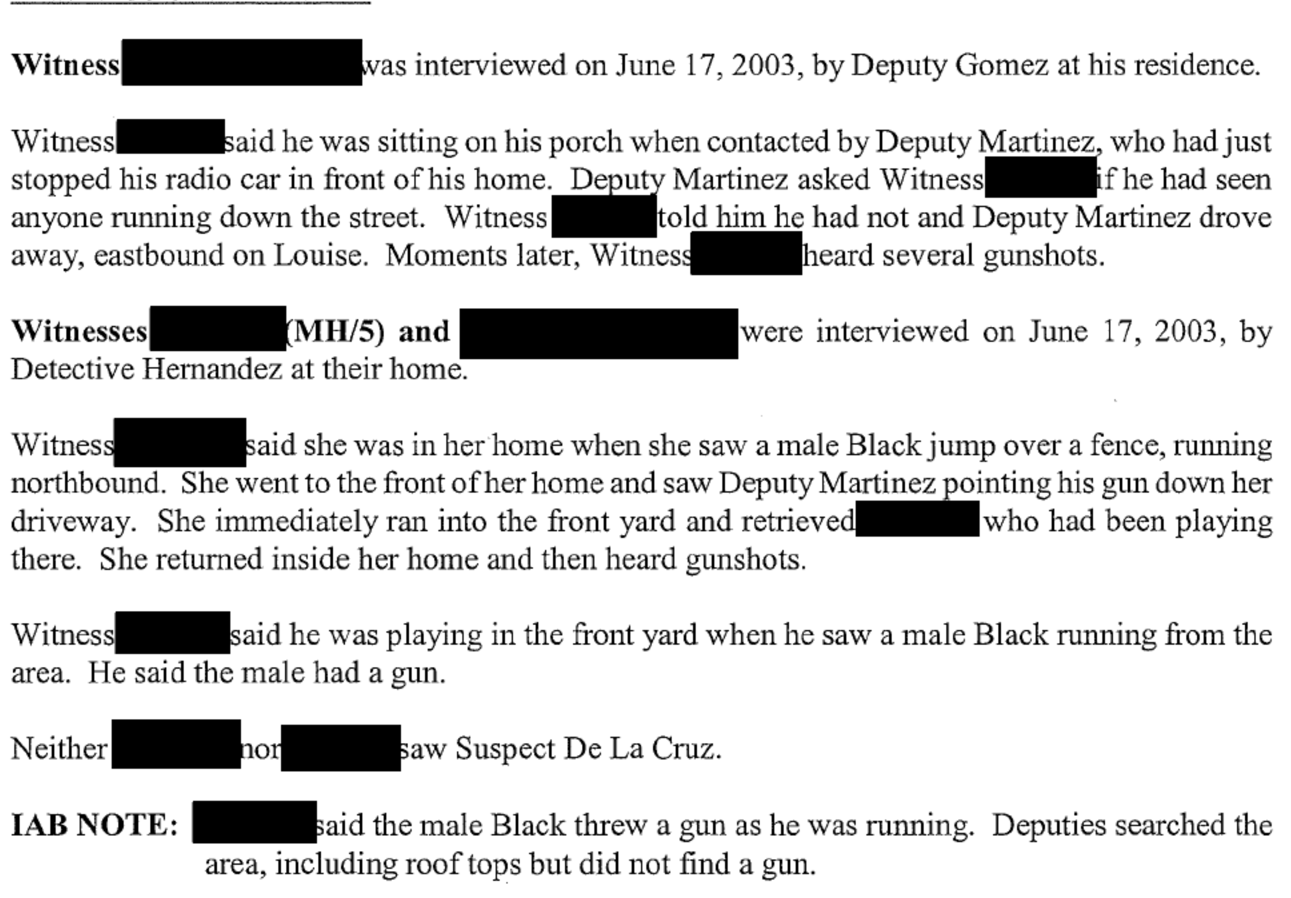
Suspect De La Cruz was again asked what had occurred between him and the deputy. He said he was walking down the west side of the driveway when he saw the deputy. He dropped the bicycle and walked to the hood of the furthest van from the street. He said he was afraid because he had the gun. He said he removed the gun with his right hand and threw it into the rear yard, east of the

driveway. He then said he took several steps toward the rear of the driveway prior to throwing the gun. He said he did not see the deputy as he threw the gun and maintained that the gunshots had come from the next block.

Suspect De La Cruz changed his statement again and said he was walking backwards toward the fence with the gun in his hand when he heard the gunshots.

Suspect De La Cruz said he then ran from the area. At one point he was on top of a carport and fell off. He said he also fell into a barbed wire fence prior to being taken into custody.

Photographs of Suspect De La Cruz were taken.



WITNESS STATEMENT

Witness [redacted] was interviewed on June 17, 2003, by Deputy Gomez at his residence.

Witness [redacted] said he was sitting on his porch when contacted by Deputy Martinez, who had just stopped his radio car in front of his home. Deputy Martinez asked Witness [redacted] if he had seen anyone running down the street. Witness [redacted] told him he had not and Deputy Martinez drove away, eastbound on Louise. Moments later, Witness [redacted] heard several gunshots.

Witnesses [redacted] **(MH/5) and** [redacted] were interviewed on June 17, 2003, by Detective Hernandez at their home.

Witness [redacted] said she was in her home when she saw a male Black jump over a fence, running northbound. She went to the front of her home and saw Deputy Martinez pointing his gun down her driveway. She immediately ran into the front yard and retrieved [redacted] who had been playing there. She returned inside her home and then heard gunshots.

Witness [redacted] said he was playing in the front yard when he saw a male Black running from the area. He said the male had a gun.

Neither [redacted] nor [redacted] saw Suspect De La Cruz.

IAB NOTE: [redacted] said the male Black threw a gun as he was running. Deputies searched the area, including roof tops but did not find a gun.